

BroadStream Corporation

Long Distance

BROADSTREAM CORPORATION

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES

**APPLYING TO INTEREXCHANGE TELECOMMUNICATIONS SERVICES WITHIN THE
COMMONWEALTH OF KENTUCKY**

Filed with the
PUBLIC SERVICE COMMISSION OF KENTUCKY

This Tariff applies to telecommunications services furnished by BroadStream Corporation between one or more points in the Commonwealth of Kentucky. This Tariff is on file with the Kentucky Public Service Commission and copies may be inspected during normal business hours at BroadStream Corporation's principal place of business.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

By: Stephan O. Bue
SECRETARY OF THE COMMISSION

ISSUED: January 13, 2000

Issued By:

Michael D. Heil, President and CEO
4513 Pin Oak Court
Sioux Falls, South Dakota 57103

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CHECK PAGE

Pages of this Tariff as listed below are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original Tariff and are currently in effect as of the date on the bottom of this page,

Page Number	Revision	Page Number	Revision
1	Original		
2	Original		
3	Original		
4	Original		
5	Original		
6	Original		
7	Original		
8	Original		
10	Original		
11	Original		
12	Original		
13	Original		
14	Original		
15	Original		
16	Original		
17	Original		
18	Original		
19	Original		

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TARIFF FORMAT

This Tariff is divided into the following major sections:

	Preface
Section 1	Application of Tariff
Section 2	Explanation of Terms
Section 3	Rules and Regulations
Section 4	Description of Services
Section 5	Rates

- A. **Page Numbering** - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the Tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. **Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the Commission. For example, the 4th revised page 14 cancels the 3rd revised page 14. Because of the various suspension periods, deferrals, etc., followed by the Commission in its Tariff approval process, the most current page number on file with the Commission is not always the Tariff page in effect.
- C. **Paragraph Number in Sequence** - There are five levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.5
 - 2.5 A.
 - 2.5 A. 1.
 - 2.5 A. 1 a.
 - 2.5 A. 1 a. i
- D. **Check Page** - When a Tariff filing is made with the Commission, an updated Check Page accompanies the Tariff filing. The Check Page lists the pages contained in the Tariff, with a cross reference to the current revision number. When new pages are added, the Check Page is changed to reflect the revision.

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TABLE OF CONTENTS

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
PREFACE		
	Cover Page	1
	Check Page	2
	Tariff Format	3
	Table of Contents	4
	Explanation of Notes	5
SECTION 1 -	APPLICATION OF TARIFF	6
SECTION 2 -	EXPLANATION OF TERMS	7
SECTION 3 -	GENERAL RULES AND REGULATIONS	9
3.1	Undertaking of the Company	9
3.2	Use of Service	10
3.3	Minimum Period of Service	11
3.4	Payment for Services Rendered	11
3.5	Deposits	12
3.6	Taxes	13
3.7	Suspension or Termination of Service	13
3.8	Obligations of the Customer	14
3.9	Response to Trouble Reports	15
3.10	Liability of Company	15
SECTION 4 -	DESCRIPTION OF SERVICE	17
4.1	Message Toll Service	17
4.2	Toll Free Service	17
4.3	Special Arrangements	17
SECTION 5 -	RATES	18
5.1	Applicability	18
5.2	Method of Applying Rates	18
5.3	Applicable Taxes and Surcharges	19
5.4	Message Toll Service	19
5.5	Toll Free Service	19

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EXPLANATION OF NOTES

- (C) Indicates Changed Regulation
- (D) Indicates Discontinued Rate or Regulation
- (I) Indicated Rate Increase
- (M) Indicates Move in Location of Text
- (N) Indicates New Rate or Regulation
- (R) Indicates Rate Reduction
- (T) Indicates Change of Text Only

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SECTION 1 - APPLICATION OF TARIFF

- 1.1 This Tariff contains the regulations and rates applicable to interexchange resold services provided by BroadStream Corporation to business customers for telecommunications between points within the Commonwealth of Kentucky. BroadStream Corporation's services are furnished subject to the availability of facilities and subject to the terms and conditions of this Tariff.
- 1.2 The rates and regulations contained in this Tariff apply only to the services furnished by the Company and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of the Company.
- 1.3 The Customer is entitled to limit the use of the Company's services by end users at the Customer's facilities, and may use other common carriers in addition to or in lieu of the Company.

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SECTION 2 - EXPLANATION OF TERMS

ACCESS CODE - Denotes a uniform code assigned by the Company to an individual Customer. The code has the form 10XXX, 10XXXXX, 950-0XXX, or 950-1XXX.

ACCESS MINUTES - Denotes that usage of exchange facilities in intrastate service for the purpose of calculating chargeable usage.

CALL - A Customer attempt for which the complete address code is provided to the service end office.

CARRIER, COMMON CARRIER - Any individual, partnership, association, corporation or other entity engaged in intrastate communication for hire by wire or radio between two or more exchanges.

COMMISSION - Public Service Commission of Kentucky

COMMUNICATIONS SYSTEM - Denotes channels and other facilities which are capable of communications between terminal equipment provided by other than the Company.

COMPANY - BroadStream Corporation

CUSTOMER - Any individual, partnership, association, corporation or other entity which subscribes to the services offered under this Tariff, including both Interexchange Carriers and End Users.

END USER - Any Customer of an intrastate telecommunications service that is not a Carrier or Common Carrier, except that a Carrier shall be deemed to be an End User when such Carrier uses a telecommunications service for administrative purposes. A person or entity that offers telecommunications service exclusively as a reseller shall be deemed to be an End User if all resale transmissions offered by such reseller originate on the premises of such reseller when making such service available to others, directly or indirectly.

ENTRY SWITCH - First point of switching.

EXCHANGE - A group of lines in a unit generally smaller than a LATA established by the Company for the administration of communications service in a specified area. An Exchange may consist of one or more central offices together with the associated facilities used in furnishing communications service within that area.

FACILITIES - Denotes any cable, poles, conduit, carrier equipment, wire center distribution frames, central office switching equipment, etc., utilized to provide the service offered under this Tariff.

INTERSTATE COMMUNICATIONS - Any communications that crosses over a state boundary. Interstate Communications includes interstate and international communications.

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SECTION 2 - EXPLANATION OF TERMS (Cont'd)

INTERRUPTION - The inability to complete calls due to equipment malfunctions or human errors. Interruption shall not include, and no allowance shall be given for service difficulties such as slow dial tone, circuits busy or other network and/or switching capacity shortages. Nor shall Interruption include the failure of any service or facilities provided by a common carrier or other entity other than the Company. Any Interruption allowance provided within this Tariff by the Company shall not apply where service is interrupted by the negligence or willful act of the Customer, or where the Company, pursuant to the terms of this Tariff, terminates service because of non-payment of bills, unlawful or improper use of the Company's facilities or service, or any other reason covered by this Tariff or by applicable law.

INTRASTATE COMMUNICATIONS - Any communication which originates and terminates within the same state and is subject to oversight by a state regulatory commission as provided by the laws of the state involved.

LOCAL ACCESS AND TRANSPORT AREA (LATA) - A geographic area established for the provision and administration of communications service. A LATA encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.

LOCAL CALLING AREA - A geographical area, as defined in the Company's local or general exchange service Tariff in which an End User may complete a call without incurring toll usage charges.

POINT OF TERMINATION - The point of demarcation within a Customer-designated premises at which the Company's responsibility for the provision of access service ends. The point of demarcation is the point of interconnection between Company communications facilities and Customer-provided facilities as defined in Part 68 of the Federal Communications Commission's Rules and Regulations.

PREMISES - A building or buildings on contiguous property, not separated by a public highway or right-of-way.

SERVICE INTERRUPTION - An interruption in service, which is not due to the negligence of, or noncompliance with the provisions of this Tariff by, the Customer or the operation or malfunction of the facilities, power or equipment provided by the Customer.

TRUNK - A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

TRUNK GROUP - A set of trunks which are traffic engineered as a unit for the establishment of connections between switching systems in which all of the communications paths are interchangeable.

USER or END USER - A Customer, Joint User, or and other person authorized by a Customer to use service provided under this Tariff.

ZERO MILE CIRCUIT - A circuit between 0 miles and 3/4 of a mile in length.

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SECTION 3 - RULES AND REGULATIONS

3.1 UNDERTAKING OF THE COMPANY

- A. The Company undertakes to furnish communications service pursuant to the terms of this Tariff in connection with one-way and/or two-way information transmission between points within the Commonwealth of Kentucky.
- B. The Company shall be responsible under this Tariff only for the services provided hereunder, and it assumes no responsibility for any services provided by any other entity that purchases the Company's services in order to originate or terminate its own services, or to communicate with its own Customers.
- C. Service is offered for long distance calling and data services to Customers pursuant to the terms of this Tariff.
- D. Service is available 24 hours per day, seven days per week and is subject to the availability of necessary service components, and the economic feasibility of providing service.
- E. Services are offered via facilities provided (under lease or contract) by other certified carriers.
- F. Any other Carrier may not interfere with the right of any person or entity to obtain service directly from the Company. No person or entity shall be required to make any payment, incur any penalty, monetary or otherwise, or purchase any services in order to have the right to obtain service directly from the Company.
- G. To the extent that either the Company or any other Carrier exercises control over available cable pairs, conduit, duct space or other facilities needed by the other to reach a person or entity, the party exercising such control shall make them available to the other on terms equivalent to those under which the Company makes similar facilities under its control available to its customers. At the reasonable request of either party, the Company and the other Carrier shall join the attempt to obtain from the owner of the property access for the other party to serve a person or entity.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.2 USE OF SERVICE

A. General

1. Service may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
2. Recording of telephone conversations of service provided by the Company under this Tariff is prohibited except as authorized by applicable federal, state and local laws.
3. The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
4. The Company's services may be canceled for nonpayment of uncontested bill charges or for other violations of this Tariff.

B. Limitations

1. Service is offered subject to the availability of the necessary facilities and/or equipment and subject to the provisions of this Tariff. The Company may decline applications for service to or from a location where the necessary facilities or equipment are not available. The Company may discontinue furnishing service in accordance with the terms of this Tariff.
2. The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control (examples of these conditions are more fully set forth elsewhere in this Tariff), or when service is used in violation of provisions of this Tariff or the law.
3. The Company does not undertake to transmit messages, but offers the use of its service when available, and, as more fully set forth elsewhere in this Tariff, shall not be liable for errors in transmission or for failure to establish connections.
4. The Company reserves the right to discontinue service, limit service, or to impose requirements as required to meet changing regulatory or statutory rules and standards, or when such rules and standards have an adverse material affect on the business or economic feasibility of providing service, as determined by the Company in its reasonable judgment.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.2 USE OF SERVICE (Cont'd)

B. Limitations (Cont'd)

5. The Company reserves the right to refuse an application for service made by a present or former Customer who is indebted to the Company for service previously rendered pursuant to this Tariff until the indebtedness is satisfied.

C. Customer-Authorized Use

Any service provided under this Tariff may be resold to or shared (jointly used) with other persons at the Customer's option. The Customer remains solely responsible for all use of service ordered by it or billed to its telephone number(s) pursuant to this Tariff, for determining who is authorized to use its service, and for promptly notifying the Company of any unauthorized use. The Customer may advise its Customers that a portion of its service is provided by the Company, but the Customer shall not represent that the Company jointly participates with the Customer in the provision of the service.

3.3 MINIMUM PERIOD OF SERVICE

The minimum period for which services are provided and for which rates and charges are applicable is one month unless otherwise specified. When a service is discontinued prior to the expiration of the minimum period, charges are applicable, whether the service is used or not.

3.4 PAYMENT FOR SERVICE RENDERED

A. Billing

1. Service is provided and billed on a monthly basis.
2. Bills shall be typed or machine printed and shall contain a listing of all charges and the period of time covered by the billing. Statements itemizing message toll charges shall be included in bills to Customers.
3. Payment is due within thirty (30) days after Customer's receipt of its bill.
4. The Customer is responsible for payment of all charges for service furnished to the Customer, or the Customer's agents, End Users or Customers. All charges due by the Customer are payable to the Company or to the Company's authorized billing agent. Any objections to billed charges must be reported promptly to the Company.

The Company reserves the right to assess a charge of \$10.00 whenever a check or draft presented for payment of service is not accepted by the institution upon which it is written. The foregoing shall not limit the Company's right to discontinue service for returned checks.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.4 PAYMENT FOR SERVICE RENDERED (Cont'd)

A. Billing (Cont'd)

6. The Company may impose a late payment charge of 1.5% on any bill not paid within thirty (30) days of receipt by the Customer. Any payment received shall first be applied to the bill for service rendered. Additional penalty charge shall not be assessed on unpaid penalty charges.
 - a. Late payment charges do not apply to final accounts.
 - b. Late payment charges do not apply to government agencies of the Commonwealth of Kentucky.
7. When billing functions on behalf of the Company are performed by local exchange telephone companies, or others, the payment conditions and regulations of such companies apply, including any applicable interest and/ or late payment charge conditions.

B. Contested Charges

1. All bills are presumed accurate, and will be binding on the Customer unless objection is received by the Company within thirty (30) days after such bills are rendered. In the case of a billing dispute between the Customer and the Company for service furnished to the Customer or an end user, which cannot be settled with mutual satisfaction, the Customer can take the following course of action within thirty (30) days of the billing date:
2. First, the Customer may request, and the Company will provide, an in-depth review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection.
3. Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of the Company, the Customer may file an appropriate complaint with the Commission. The address and telephone number of the Commission is:

Public Service Commission of Kentucky
Consumer Services
P.O. Box 615
Frankfort, Kentucky 40602
(800) 772-4636

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3.5 DEPOSITS

The Company does not require deposits from Customers.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.6 TAXES

All federal excise taxes and state and local sales taxes, are billed as separate items and are not included in the quoted rates.

3.7 SUSPENSION OR TERMINATION OF SERVICE

A. Without incurring liability, the Company may discontinue services to a Customer or may withhold the provision of ordered or contracted services, subject to the procedures set forth in 3.7 C below:

1. For noncompliance with the Company's tariffed rules or Commission regulations after the Company has made a reasonable effort to obtain Customer compliance and after the Customer has been given at least ten (10) days' advance written termination notice.
2. For dangerous conditions (no advance notice necessary)
3. For refusal of access after the Customer has been given at least ten (10) days' written termination notice.
4. For outstanding indebtedness.
5. For noncompliance with state, local or other codes after the Customer has been given at least ten (10) days' written termination notice unless ordered to terminate immediately by a governmental official.
6. For nonpayment of bills.
7. For illegal use or theft of service.

B. The following shall not constitute sufficient cause for refusing, denying or discontinuing service to a present or prospective Customer:

1. Delinquency in payment for service by a previous occupant at the premises to be serviced.
2. Failure to pay directory advertising charges.
3. Failure to pay for business service at one location and at a different telephone number shall not constitute sufficient cause for refusal of service at another location.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.7 SUSPENSION OR TERMINATION OF SERVICE (Cont'd)

C. Procedures for discontinuance of existing service:

1. The Company may discontinue service without notice:
 - a. For dangerous conditions; or
 - b. For illegal use or theft of service.
2. In all other circumstances, the Company will provide the Customer with written notice via first class U.S. mail stating the reason for the discontinuance, and will allow the Customer not less than fifteen (15) days to remove the cause for discontinuance. In cases of non-payment of charges due, the Customer will be allowed at least five (5) days written notice via first class U.S. mail that disconnection will take place within five days, excluding Sundays and holidays, and the Customer will be given the opportunity to make full payment of all undisputed charges, and in no event will service be discontinued on the day preceding any day on which the Company is not prepared to accept payment of the amount due and to reconnect service.

D. Voluntary Suspension

1. Communications service shall, at the request of a Customer, be temporarily suspended. The suspension period shall not be less than one (1) month, nor more than six (6) months in duration, and no more than one suspension shall be granted during any twelve (12) month period.
2. Customers requesting voluntary suspension will be billed during the period of suspension at a rate twenty (20) percent of the average monthly bill based on the previous six months of charges.

F. Service may be discontinued by the Company, without notice to the Customer, by blocking traffic to certain countries, cites, or NXX exchanges, or by blocking calls using certain Customer authorization codes, when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assist in a new authorization code to replace the one that has been deactivated.

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Any change in the Company's ability (a) to secure and retain suitable facilities and rights for the construction and maintenance of the necessary circuits and equipment or (b) to secure and retain suitable space for its plant and facilities in the building where service is provided to the Customer may require termination of a Customer's service until such time as new arrangements can be made. No charges will be assessed the Customer while service is terminated, and no connection charges will apply when the service is restored.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.8 OBLIGATIONS OF THE CUSTOMER

- A. The Customer is responsible for payment of the charges set forth in this Tariff.
- B. The Customer is responsible for compliance with the applicable regulations set forth in this Tariff.
- C. The Customer shall indemnify and hold the Company harmless from any liability disclaimed by the Company as specified in Section 3.10 below, arising in connection with the provision of service by the Company.

3.9 RESPONSE TO TROUBLE REPORTS

- A. The Company shall provide for the receipt of Customer trouble reports at all hours and make a full and prompt investigation of all complaints. The Company shall maintain an accurate record of trouble reports made by its Customers. This record shall include appropriate identification of the Customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance of other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.
- B. Provision shall be made by the Company to clear troubles of an emergency nature at all hours, consistent with the needs of Customers and the personal safety of Company personnel.
- C. Provision shall be made by the Company to normally clear all other out-of-service trouble not requiring unusual repair, such as transmitter or cable failure, within 24 hours (Sundays excepted) of the report received by the Company unless the Customer agrees to another arrangement.
- D. All Company commitments to Customers shall be kept, unless Customers are timely notified of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected Customers.

3.10 LIABILITY OF THE COMPANY

- A. Due to the unavoidability of error incident to the services furnished by the Company and/or connecting carriers, the services and facilities furnished by the Company and/or connecting carriers are subject to the terms, conditions and limitations set forth herein.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.10 LIABILITY OF THE COMPANY (Cont'd)

- B. When service is interrupted for a period of at least 24 hours after notice by the Customer to the Company, an allowance equal to 1/28 of fixed billing cycle charges for service and facilities furnished by the Company rendered useless or substantially impaired shall apply to each 24 hours during which the interruption continues after notice by the Customer to the Company. Credit in any billing period shall not exceed the total non-usage charges for that period for the services and facilities furnished by the Company rendered useless or substantially impaired. No allowance shall apply to any non-recurring or usage charges.
- C. The liability of the Company for any loss or damages whatsoever arising out of mistakes, omissions, delays, errors, defects or failures in the service, or in any non-regulated equipment or facilities, shall not exceed an amount equivalent to the proportionate charge to the Customer for the period during which the mistake, omission, delay, or failure existed, or the Tariff charge for the call involved. Under no circumstances shall the Company be liable for any consequential, special, indirect, incidental or exemplary damages.
- D. The Company shall not be liable for any act or omission of any connecting carrier, underlying carrier, or local exchange company; for acts or omission of any other providers of connections, or facilities, or for connections provided by the Customer.
- E. The Company shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order or regulation or other action of any governing authority or agency thereof.
- F. The Company shall not be liable for any unlawful or unauthorized use of the Company's facilities and service, unless such use results solely from the negligence or willful misconduct of the Company.

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SECTION 4- DESCRIPTION OF SERVICE

4.1 MESSAGE TOLL SERVICE

Enables Users of Company-provided Exchange Access Services to place calls to any station on the public switched telecommunications network bearing an NPA-NXX designation associated with points outside the Customer's local calling area, or county, but within the Commonwealth of Kentucky.

4.2 TOLL FREE SERVICE

Toll Free Service provides the Customer with a telephone number within the 800/888 NPA, enabling the Customer or User to receive incoming calls to that number which originate from any station on the public switched telecommunications network within the Commonwealth of Kentucky. All charges for incoming Toll Free calls are billed to the Customer. There is no charge for calls traveling zero to sixteen (0-16) miles.

4.3 SPECIAL ARRANGEMENTS

A. Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide request from a Customer or prospective Customer to develop a competitive bid for a service offered under this Tariff. Rates quoted in response to such competitive requests may be different than those specified for such services in this Tariff. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis. The Commission will be notified of all ICB arrangements.

B. Temporary Promotional Programs

The Company may from time to time offer promotional services with thirty (30) day's notice to and with the approval of the Commission, wherein it may waive or reduce non-recurring and/or recurring charges. The purpose of promotional programs is to introduce present or potential Customers to a service not previously received by the Customers.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 13 2000

PURSUANT TO 807 KAR 5011,
SECTION 9 (1)

BY: Stephan O. Bull
SECRETARY OF THE COMMISSION

ISSUED: January 13, 2000

EFFECTIVE:

Issued By: Michael D. Heil, President and CEO
4513 Pin Oak Court
Sioux Falls, South Dakota 57103

SECTION 5 - RATES

5.1 APPLICABILITY

The regulations set forth in this section govern the application of rates for services contained in other sections of this Tariff.

5.2 METHOD OF APPLYING RATES

A. Charges Based on Duration of Use

Where charges for a service are specified based on the duration of use, such as the duration of a telephone call, the following rules apply:

1. Calls are measured in durational increments identified for each service. All calls which are fractions of a measurement increment are rounded-up to the next whole unit.
2. Timing on completed calls begins when the call is answered by the called party. Answering is determined by hardware answer supervision in all cases where this signaling is provided by the terminating local carrier and any intermediate carrier(s).
3. Timing terminates on all calls when the calling party hangs up or the Company's network receives an on-hook signal from the terminating carrier.
4. Calls originating in one time period and terminating in another will be billed in proportion to the rates in effect during different segments of the call.
5. All times refer to local time.

B. TIME PERIODS DEFINED

1. Unless otherwise indicated in this Tariff, the following time periods apply.

DAY -	Monday-Friday	8:00 AM - 4:59 PM
EVENING -	Sunday-Friday	5:00 PM - 10:59 PM
NIGHT -	Sunday-Saturday	11:00 PM - 7:59 AM
	Saturday	8:00 AM - 10:59 PM
	Sunday	8:00 AM - 4:59 PM

2. All times refer to local time.

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SECTION 5 - RATES (Cont'd)

5.3 APPLICABLE TAXES AND SURCHARGES

In addition to the rates and charges applicable according to the rules and regulations of this Tariff, the Customer is responsible for other local, state and federal taxes, charges or surcharges (however designated) imposed on sale or use of the network.

5.4 MESSAGE TOLL SERVICE

A. Intrastate IntraLATA Message Telecommunications Services

Dial Station Calls

	<u>Day</u>	<u>Evening</u>	<u>Night</u>
First Minute	\$0.23	\$0.19	\$0.15
Additional Minute	\$0.18	\$0.14	\$0.11

B. Intrastate InterLATA Message Telecommunications Services

Dial Station Calls

	<u>Day</u>	<u>Evening</u>	<u>Night</u>
First Minute	\$0.25	\$0.20	\$0.16
Additional Minutes	\$0.20	\$0.15	\$0.12

5.5 TOLL FREE SERVICE

Monthly Rental Per Number	\$9.00
Charge Per Hour of Local Exchange Usage	\$9.00

Rates specified in Section 5.4 for Intrastate IntraLATA Dial Station Calls and Intrastate InterLATA Dial Station Calls respectively will apply to Message Toll calls to a Toll Free number.

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